

AN ACT

relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 15(h), Article 42.12, Code of Criminal Procedure, is amended by amending Subdivision (1) and adding Subdivisions (4), (5), and (6) to read as follows:

(1) A defendant confined in a state jail felony facility does not earn good conduct time for time served in the facility but may be awarded diligent participation credit in accordance with Subdivision (6).

(4) For purposes of Subdivisions (5) and (6), "diligent participation" includes:

(A) successful completion of an educational, vocational, or treatment program;

(B) progress toward successful completion of an educational, vocational, or treatment program that was interrupted by illness, injury, or another circumstance outside the control of the defendant; and

(C) active involvement in a work program.

(5) For a defendant who has participated in an educational, vocational, treatment, or work program while confined in a state jail felony facility, not later than the 30th day before the date on which the defendant will have served 80 percent of the

1 defendant's sentence, the Texas Department of Criminal Justice
2 shall report to the sentencing court the number of days during which
3 the defendant diligently participated in any educational,
4 vocational, treatment, or work program. The contents of a report
5 submitted under this subdivision are not subject to challenge by a
6 defendant.

7 (6) A judge, based on the report received under
8 Subdivision (5), may credit against any time a defendant is
9 required to serve in a state jail felony facility additional time
10 for each day the defendant actually served in the facility while
11 diligently participating in an educational, vocational, treatment,
12 or work program. A time credit under this subdivision may not
13 exceed one-fifth of the amount of time the defendant is originally
14 required to serve in the facility. A defendant may not be awarded a
15 credit under this subdivision for any period during which the
16 defendant is subject to disciplinary action. A time credit under
17 this subdivision is a privilege and not a right.

18 SECTION 2. The change in law made by this Act applies only
19 to a person confined in a state jail felony facility for an offense
20 committed on or after the effective date of this Act. A person
21 confined in a state jail felony facility for an offense committed
22 before the effective date of this Act is covered by the law in
23 effect when the offense was committed, and the former law is
24 continued in effect for that purpose. For purposes of this section,
25 an offense was committed before the effective date of this Act if
26 any element of the offense occurred before that date.

27 SECTION 3. This Act takes effect September 1, 2011.

H.B. No. 2649

David Newkum

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 2649 was passed by the House on May 12, 2011, by the following vote: Yeas 138, Nays 7, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2649 was passed by the Senate on May 24, 2011, by the following vote: Yeas 30, Nays 1.

Daisy Spaw

Secretary of the Senate

APPROVED:

17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 PM O'CLOCK

JUN 17 2011
[Signature]
Secretary of State